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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:

NATIONAL RIFLE ASSOCIATION
OF AMERICA; and SEA GIRT LLC,

*Debtors.*¹

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Chapter 11

Case No. 21-30085-HDH-11

Jointly Administered

**MOTION OF THE STATES OF ARKANSAS, ALABAMA, ALASKA, GEORGIA, IDAHO, KENTUCKY,
LOUISIANA, MISSISSIPPI, MISSOURI, MONTANA, OHIO, OKLAHOMA, SOUTH CAROLINA,
SOUTH DAKOTA, UTAH, AND WEST VIRGINIA FOR LEAVE TO FILE A BRIEF AS *AMICI CURIAE* IN
SUPPORT OF DEBTORS; AND IN OPPOSITION TO THE STATE OF NEW YORK’S MOTION TO
DISMISS, OR IN THE ALTERNATIVE TO APPOINT A CHAPTER 11 TRUSTEE**

¹ The last four digits of the Debtors’ taxpayer identification numbers are: 6130 (NRA) and 5681 (Sea Girt). The Debtors’ mailing address is 11250 Waples Mill Road, Fairfax, Virginia 22030.

The States of Arkansas, Alabama, Alaska, Georgia, Idaho, Kentucky, Louisiana, Mississippi, Missouri, Montana, Ohio, Oklahoma, South Carolina, South Dakota, Utah, and West Virginia respectfully request that the Court grant leave to submit a brief as *amici curiae* in support of Debtors, and in opposition to *The State of New York's Motion to Dismiss, or, In the Alternative, to Appoint Chapter 11 Trustee* [ECF No. 155].²

1. The National Rifle Association of America is the country's foremost Second Amendment advocacy organization and the nation's oldest civil rights organization. The NRA's five million members include citizens of the *Amici* States, and the organization has played a central role in ensuring those citizens continue to enjoy their individual constitutional right to bear arms. As the *Amici* States will explain in their brief, New York government officials, most prominently Attorney General Letitia James, disagree with the NRA's message and have fought to silence the organization and its members. As part of that campaign, the New York AG has filed suit in state court seeking to dissolve the NRA.

2. The NRA filed suit in federal court, claiming that the New York AG's dissolution suit was initiated in retaliation for the organization's political speech and advocacy, in violation of the First Amendment. *Nat'l Rifle Ass'n of Am. v. James*, No. 1:20-CV-00889-MAD-TWD (N.D.N.Y. Aug. 6, 2020). A coalition of States submitted a brief as *amici curiae* in that case. *See id.*, Br. of the States of Arkansas, et al., ECF No. 25. As the *Amici* States will explain in their brief in this matter, the conduct of New York officials demonstrates that the dissolution suit

² Insofar as other motions seek the same relief as New York's, *Amici* States also oppose those motions. *See Ackerman McQueen, Inc.'s Motion to Dismiss the Chapter 11 Bankruptcy Petition, or, in the Alternative, Motion for the Appointment of a Chapter 11 Trustee, and Brief in Support* [ECF No. 131]; *The District of Columbia's Motion in Support of the State of New York's Motion to Appoint Chapter 11 Trustee* [ECF No. 214].

is a politically motivated assault on free speech and an effort to destroy both a fundamental constitutional right (the right to keep and bear arms) and a political opponent dedicated to defending that right. Consequently, it is no surprise that the NRA seeks to reorganize in the State of Texas as part of its broader chapter 11 reorganization.

3. These proceedings involve the voluntary petition for bankruptcy under chapter 11 of title 11 of the United States Code filed by the NRA and Sea Girt LLC, on January 15, 2021.

4. On February 12, 2021, the State of New York, through its Attorney General, filed a *Motion to Dismiss, or, In the Alternative, to Appoint Chapter 11 Trustee* [ECF No. 155]. New York argues that the NRA's chapter 11 petition should be dismissed because it was not filed in good faith and was filed to obtain a litigation advantage, specifically in the New York AG's state-court dissolution suit. *See* ECF No. 156.

5. The *Amici* States have a significant interest in ensuring that the voices of their citizens are not silenced by New York government officials. If left unchecked, the New York AG's discriminatory dissolution suit threatens to destroy one of the most important constitutional advocacy organizations in the country and silence its millions of members, all because of the opposing political views held by New York officials.

6. In their brief, the *Amici* States will discuss the fundamental right to keep and bear arms guaranteed by the Second Amendment. The *Amici* States will then explain that regulation of nonprofit and charitable organizations, while essential to protecting the public, is not without limits and cannot be employed with the intention of singling out and silencing a political opponent. Finally, the brief will argue that the NRA and its members are entitled to First Amendment protection from the New York AG's dissolution suit, and there is nothing untoward about the organization's efforts to relocate away from a State discriminatorily seeking to end its existence.

CONCLUSION

For these reasons, the Court should grant the *Amici* States leave to file an *amicus curiae* brief in support of Debtors, and in opposition to *The State of New York's Motion to Dismiss, or, In the Alternative, to Appoint Chapter 11 Trustee*.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on March 30, 2021, I filed this document with the Court's CM/ECF system, which will serve all parties entitled to notice, including the Debtors and United States Trustee.

/s/ Vincent M. Wagner

Vincent M. Wagner